

**Statement of Commissioner J. Thomas Rosch Concurring in Part, Dissenting in Part
Freedom Foreclosure Prevention Services, LLC
File No. X090055**

I concur in the “Conduct Relief” portion of these Final Orders. Those provisions not only will operate immediately to stop the Defendants from participating, directly or indirectly, in mortgage loan modification and foreclosure relief services, but also help send a strong message to others that such conduct will not be tolerated.

However, I dissent from the “Monetary Relief” portion of the Orders. The \$5,462,432 “avalanche” provisions strongly suggest, if they do not establish conclusively, that Defendants’ conduct caused that much consumer injury, while the proposal to settle for \$11,996.49 strongly suggests, if it does not establish conclusively, that that is an appropriate amount of consumer redress. Where there is such a huge disparity between the amount of consumer injury asserted and the amount of consumer redress recommended, I think it is incumbent that a compelling reason for settling for a tiny fraction of the consumer injury be provided.

There may be some cases in which there is a compelling reason to do so – as, for example, when the settling Defendants can and will provide important evidence implicating other defendants. Alternatively, there may be instances where the conduct at issue is particularly egregious, and the proposed “Conduct Relief” – in this case a ban – offers a sufficiently strong remedy. However, in other cases, where it is apparent from the outset that substantial and effective consumer redress may not be provided, I believe the Commission should carefully focus on whether it is worthwhile to spend its scarce resources in order to achieve the “Conduct Relief” alone. As I say, I believe it was worthwhile in this case, but that may or may not be true in future cases.